

REMARKS

Claims 1-18 and 20-23 are pending, with claims 1, 18 and 20 being independent. Claim 19 is cancelled and claims 1 and 18 are amended.

Applicants respectfully request reconsideration of the application in view of the amendment to the claims and the following remarks.

The Office Action rejected claims 1-15 and 18-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,401,242 to Eyer et al. ("Eyer242") in view of U.S. Patent No. 6,463,585 to Hendricks et al. ("Hendricks") and further in view of U.S. Patent No. 5,515,106 to Chaney et al. ("Chaney"). The Office Action also cited to U.S. Patent No. 5,801,753 to Eyer et al. ("Eyer753") and erroneously stated that it was incorporated by reference in Eyer242. As a result, the rejection is actually over the combination Eyer242/Hendricks/Chaney/Eyer753.

Applicants respectfully submit that the rejection is obviated in view of the amendments made to independent claims 1, 18 and 20.

To establish a *prima facie* case of obviousness, the combination of references must teach or suggest all the claim elements as arranged in the claim. The combination of Eyer242/Hendricks/Chaney/Eyer753 fails to teach or fairly suggest all of the claim elements as arranged in amended claims 1 and 18. For example, the combination of Eyer242/Hendricks/Chaney/Eyer753 fails to teach or suggest the claimed "a session manager coupled to the at least one transport stream generator and operative to direct each transport stream generator to generate the one or more transport streams based on usage wherein the session manager performs an additional function of bandwidth manager." (emphasis added)

Eyer242 is generally directed to a method and apparatus for designating a preferred source to avoid duplicate programming services.

Hendricks, Chaney and Eyer752 each fail to at least disclose the above claimed limitation. Therefore, amended independent claims 1 and 18 are patentable over the combination of Eyer242/Hendricks/ Chaney/Eyer753.

Claims 2-14 depend, directly or indirectly, from claim 1 and, thus, inherit the patentable subject matter of claim 1, while adding additional elements. Therefore, claims 2-14 are also patentable over the combination of Eyer242/Hendricks/ Chaney/Eyer753 under §103.

Claim 20 recites, inter alia, “A method for providing interactive program guide (IPG) from a transmission source to a plurality of terminals, the method comprising: ... comparing the demands from the plurality of terminals against the current capacity; and dynamically adjusting the number of transport streams to be transmitted to the plurality of terminals based on a result of the comparing wherein a session manager performs an additional function of bandwidth manager”. In other words, the number of transport streams transmitted from the transmission source to the terminals is dynamically adjusted in claim 20. By contrast, Eyer242 discloses a subscriber terminal, such as a set top box or integrated receiver-decoder (IRD). (Eyer242, col. 1, lines 40-41). Channel map data is delivered to the IRDs so that bundles of IRD data can be filtered out using firmware filtering to discard program sources that are not present in the channel map. (Eyer242, abstract). If, in fact, Eyer242 disclosed the claimed dynamic adjusting of the transport streams to be transmitted to the terminals, there would be no need for the filtering of bundles performed at the IRD (terminal) of Eyer242, which is the intended purpose of Eyer242. Eyer242 fails to disclose the claimed transport streams being dynamically adjusted before being transmitted to the terminals wherein a session manager performs an additional function of bandwidth manager. Hendricks, Chaney and Eyer752 each also fails to disclose these elements of claim 20. Therefore, claim 20 is patentable over the combination of Eyer242/Hendricks/ Chaney/Eyer753 under §103.

Claims 21-23 depend, directly or indirectly, from claim 20 and, thus, inherit the patentable subject matter of claim 20, while adding additional elements. Therefore, claims 21-23 are also patentable over the combination of Eyer242/Hendricks/ Chaney/Eyer753 under §103.

The Office Action rejected claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Eyer242 in view of Hendricks and further in view of Chaney, as applied to claim 1 above, and further in view of U.S. Patent No. 5,867,208 to McLaren ("McLaren").

Claims 16 and 17 depend from claim 1 and, thus, inherit the patentable subject matter of claim 1. For the reasons given above with respect to claim 1, claims 16 and 17 are also patentable over the combination of Eyer242/Hendricks/ Chaney. Furthermore, McLaren fails to disclose the claimed session manager coupled to a transport stream generator and the transport stream generator coupled to encoding units. Therefore, claims 16 and 17 are also patentable over the combination of Eyer242/Hendricks/Chaney/McLaren.


CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 842-8110 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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